

contact with only one wire of a plurality of row-directed wires or a plurality of column-directed wires. As recited, the row-directed wires are laminated over the column-directed wires and the spacer is in electrical contact with one of the row-directed wires, or the column-directed wires are laminated over the row-directed wires and the spacer is in electrical contact with one of the column-directed wires.

In accordance with Applicants' claimed invention, the spacer is located in a manner that promotes electrical independence between the plurality of row-directed wires and column-directed wires.

M.P.E.P. §804 states that an In re Schneller double patenting rejection is appropriate where, among other criteria:

(A) patent protection for the invention, fully disclosed in and covered by the claims of the reference, would be extended by the allowance of the claims in the subject application.

Moreover, the Examiner should do a side by side comparison of the reference and the application claims, keeping in mind that "only the claims of the patent can be considered as support for the rejection, its disclosure being looked to only to determine the meaning of the claims, which are to be read in

light of the specification." In re Schneller, 397 F.2d at 352 (CCPA 1968).

It is respectfully submitted, however, that the claims of the subject invention are independent and distinct from the invention of the claims in the Mitsutake '296 patent, and thus the double patenting rejection should be withdrawn.

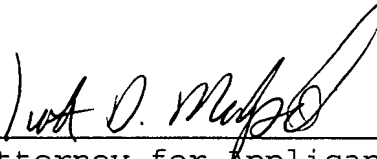
The Office Action provides a table comparing the claims of the subject application with the disclosure of the '296 patent. The table fails, however, to compare the claims of the '296 patent with the claims of the subject patent. Looking at the claims of the '296 patent, it is evident that the claimed invention is directed to an electron source that includes a shield member for the purpose of blocking charged particles which tend to fly toward the electron-emitting device, and is independent and distinct from Applicants' invention of providing an electron beam apparatus with a spacer disposed in a way to provide electrical independence between the matrix of wires.

Accordingly, it is respectfully submitted that allowance of the claims in the subject application would in no way extend protection for the claimed invention in the '296 patent. Therefore, reconsideration and withdrawal of the double patenting rejection is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM\rnm